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APPEALS FOR REDUCED FIRE WASTE



CITY OF THE MONTH



CITY OF TREES AND GARDENS: Medicine Hat, a city of 25,000 people, is a railroad divisional point. That's the CPR depot (centre) and the South Saskatchewan in the background with smart new subdivisions up the hill (right). Value of Medicine Hat's heavy industry per capita is said to be the largest of any western city. Greenhouses with glass covering a total of 23 acres, provide the flower and vegetable markets from Fort William to Vancouver.

MEDICINE HAT

... HOW IT BEGAN

Medicine Hat is an old and famous name, well known beyond Canada's borders. One version of its origin is that years before the coming of the white man, the Cree tribes of South Alberta won a battle against the Blackfoot with the aid of a charmed hat once owned by a great medicine man. The district and later the settlement has been known as Medicine Hat ever since.

The real birth of Medicine Hat centered around the coming of the Canadian Pacific Railway in 1883. The first bridge over which trains crossed the South Saskatchewan River was constructed that year. It was a wooden bridge and later in 1883 was replaced with steel having one arch which swung up like a drawbridge in order to allow steamers to pass up and down the river, for it was hoped that here would be a regular channel of water transportation. This early plan made Lethbridge into a modest ship-building centre until it was found that almost as much coal was needed to take the steamer back up the river as could be transported by it on the downstream trip.

With the coming of the new settlement, Fort Walsh, established in 1875 by the North West Mounted Police just east of the Saskatchewan border, was abandoned and the detachment of 55 officers and men were moved to Police Point, now site of the Medicine Hat Golf Club within a bend of the river. During the Rebellion of 1885, a regiment of soldiers was stationed on this same site.

The Medicine Hat School District was formed in 1886, with the Separate School District being organized in 1912. The Medicine Hat Public Library opened in November of 1915, first (To Page 6)

FIRE COMMISSIONER REPORTS

1963 LOSSES INCLUDE LIVES OF 23 CHILDREN

Fires in Alberta cost 42 lives during 1963, according to a statement released this month by A.E. Bridges, Provincial Fire Commissioner. He said 23 children were burned to death during the period, 18 of whom had been left helpless and unattended by their parents.

Destruction of Alberta property in 1963 totalled in excess of 9 3/4 million dollars, Mr. Bridges reported. His statement was made in connection with the announcement that October 4 to 10 is designated Fire Prevention Week across Canada and in the United States.

Purpose of the week is to encourage authorities and individuals to undertake special exercises, drills and inspections with a view to reducing the loss of life and property due to fire.

Mr. Bridges statement follows:



AUSTIN BRIDGES

How extensive was fire damage last year in Alberta? What properties suffered the lightest fire damage? What are the best defences against further losses?

Fire Prevention Week is an excellent time to consider the answers to questions such as these. In 1963 loss of life from fire totalled 42 and property losses exceeded 9 3/4 million dollars. Of the fatalities, 24 lives were lost in urban areas and 18 lives were lost in rural areas beyond organized fire protection. Twenty-three children burned to death, and of these young lives, 18 were lost because they were helpless and unattended - a most criminal neglect on the part of their parents.

Nineteen adults perished from accidents resulting from gasoline spills, leakage of natural gas from stoves, smoking in bed, clothing ignited by open flames and overheated furnaces. (To Page 7)

● DIRECTOR OF AAMD SINCE 1951

J.F. SMITH DIES SUDDENLY

Municipal people throughout Alberta were shocked at the sudden death of John F. Smith, Reeve of the Municipal District of Fairview No. 136 since 1939 and veteran of more than 33 years of municipal service. Mr. Smith died September 16 of a heart attack while attending a meeting of the local planning commission. He was 75.



J.F. SMITH

In addition to his work on council, Mr. Smith for the past 13 years was a director of the Alberta Association of Municipal Districts and Counties, and served as chairman of the Peace River Health Unit as well as on the executive of the regional planning commission. A member of the Presbyterian Church, the Canadian Legion and the Masonic Lodge, he is survived by his wife and two sons: Murdoch at Calgary and John at Fairview. (To Page 2)

THE SECOND PAGE . . .

SOUND and FURY

The sea of the wind
moves across the land,
and like an old herder
drives the horde of leaves
from their summer pasture.

Branches appear
like grey antlers spread;
clinging roots convexly
repeat the pattern.

We who hear the sound
of wind-waves plunging
feel the fury of the plunder
and watch the shores of summer recede.

o Marion Kathleen Henry, Calgary

THINK ABOUT FIRE!

It sometimes seems possible that special weeks are proclaimed at the drop of a hat, and in past years especially so many hats have been dropped that the idea is not always taken seriously.

Such does not and we dare say never will apply to Fire Prevention Week, this year being observed all over North America from October 4 to 10. There's little room for humor in the destruction by fire of a home, for example, or in the agony of charred flesh or the tragedy of a loved one being burned to death. Furthermore, the observance of Fire Prevention Week is so practical and lends itself to such demonstrable results all through the year that one would be very foolish indeed not to do something about it.



One of the slogans designed to drive home the message of Fire Prevention Week is "Think About Fire!" That's a reasonable request, so as a small part of our personal exercises, why don't we try it?

As a starter, we could think for a moment about the treacherous nature of fire. It's a faithful friend (so to speak) but ready without warning to turn into a deadly enemy. But then, so is water. And gasoline. And even for that matter an excess of anything, including food and drink. Our first conclusion therefore is that fire like everything else must be kept under control.

Let's turn now to wondering about those 42 men, women and children who burned to death in our Province during 1963. What happened? How did the fires start? Could they have been avoided? What about the impact of such tragedies on relatives and friends? These are somber questions but even though quite unanswerable, we think they should be given serious thought.

Think About Fire! Who at one time or another has wakened in the middle of the night and thought they smelled smoke? And what did they do about it? If our homes caught fire, could everyone get out in safety? How? And what would we try to save from the flames?

But we're not through yet . . . thinking about fire. We knew a chap once who really did light a match to find a gas leak. We had friends who discovered that their brick chimney spit sparks into the crawl space above their ceiling. Thirty-five years ago hot coals pushed open the door of our own old-fashioned heater and when noticed were eating voraciously into the flooring. We've heard of people blithely ignoring overloaded electrical circuits and deliberately upgrading their fuses. Too often we read about fires started by children playing with matches . . . adults exposing inflammable liquids to open flames . . . country folk starting their ranges say with coal oil . . . some poor goof smoking in bed.

Think About Fire? If we're the sedentary type we can remain undisturbed in our easy chairs while making a mental tour of the house. How old is the wiring? Are we addicted to three-way plug-ins? Where do we keep our matches? When last did we have our chimneys checked and cleaned? Where do we store our paints and thinners and gasoline for our lawn mowers and our cleaning fluids?

Sedentary or otherwise, if we propose to remain so, we must be sincere and thorough about inspecting our houses. Check everything. Inspect every room. Leave nothing to chance.

About our friends with that faulty brick chimney? We're glad to say they corrected the trouble and so escaped with nothing more serious than temporarily shattered nerves.

But other people's friends are not always so fortunate. Our daily and weekly newspapers carry their stories.

THE CHANGING SCENE

M.D. of FLAGSTAFF NO. 62	Reeve. G. Matthews, Hardisty
M.D. of WAINWRIGHT NO. 61	Secretary-Treasurer. H.A. Mc Donogh
TOWN of FAIRVIEW	Secretary-Treasurer. D. Prowse
TOWN of FORT MACLEOD	Secretary-Treasurer. S.A. Bent
TOWN of GRAND CENTRE	Secretary-Treasurer. N. Brick
TOWN of LODGEPOLE	Secretary-Treasurer. E.T. Proehl
TOWN of NANTON	Secretary-Treasurer. R.V. Hallett
TOWN of SMOKY LAKE	Secretary-Treasurer. J. Stasiuk
VILLAGE of BEISEKER	Secretary-Treasurer. Mrs. S.R. Reddekopp
VILLAGE of LINDEN	Secretary-Treasurer. P.J. Doerksen
S.V. of BONNYVILLE BEACH	Mayor. Mrs. T. Gareau, Bonnyville
S.V. of CASTLE ISLAND	Mayor . . C.G. Buchta, 11242-73 Avenue, Edmonton
S.V. of CRYSTAL SPRINGS	Mayor. . . R.W. Bennett, 11687-72 Avenue, Edmonton
VILLAGE of FERINTOSH	Secretary-Treasurer. Mrs. M. Scotten
S.V. of ISLAND LAKE	Mayor. . . J. Hrushka, 13527-117 Avenue, Edmonton
S.V. of ITASKA BEACH	Mayor. . . Dr. D. Russell, 5521-111 Avenue, Edmonton
S.V. of LAKE VIEW	Mayor. . . D.N. Killips, 11925-78 Street, Edmonton
VILLAGE of BASHAW	Acquired Town Status May 1st, 1964 - Same Officials

J.F. SMITH DIES SUDDENLY (From Page 1)

A.W. Morrison, Deputy Minister of Municipal Affairs, said his association with Mr. Smith in municipal work goes back at least twenty years. "Jack Smith was always a most dedicated public servant," Mr. Morrison said, "and whether they agreed with him or not, no one failed to respect the sincerity of his convictions.

"On behalf of the Department I would like to extend our deepest sympathy to Mrs. Smith and family. The Municipal District of Fairview and people engaged in municipal work throughout Alberta will miss him greatly."

THIS MONTH

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The Alberta Municipal Counsellor
Department of Municipal Affairs
Edmonton, Alberta



HOW GOES THE CENTENNIAL?

ASKS JOHN FISHER, COMMISSIONER NATIONAL CENTENNIAL ADMINISTRATION

AN OUTLINE OF WHAT IS GOING ON COAST TO COAST . . . ALL THREE OF THEM!

That great Canadian writer, Professor W.G. Hardy of your own University of Alberta, a few short years ago, in the Alberta Golden Jubilee Anthology wrote:

"If the twentieth century is to be Canada's - as Sir Wilfrid Laurier once claimed - Alberta will carry the banner. In the years since 1945 this Province . . . has become the El Dorado of the New World. There is oil. There are the tarsands. There is the copper and the coal and the tantalum and beryllium and uranium of the north. Behind it all, a solid permanency, are the farmers on the earth they love.

"The vision, in fact, almost falters at what the future may hold. Yet this much is certain: This Alberta, land of the last frontier though it may be, is the treasurer-house, the Alladin's Cave of North America, and its 'Open sesame' is the confidence and the vision of its people . . ."

And what Professor Hardy wrote ten years ago is even more true today. For in this Province of the glorious present and the even more glorious future, much is looked for, much expected, in Centennial planning and leadership in our 1967 celebrations and observances.

With Saskatchewan, you have had the experience of your 1955 Jubilee; you will add to that experience in 1965 during your Diamond Jubilee festivities, so that you will have a head start on most of the other provinces in setting up committees and getting Centennial planning under way.

CHARLOTTETOWN 1864:

This year, that smallest of Canadian provinces, Prince Edward Island, 'way down on the Atlantic shores, is magnificently carrying the Centennial banner in their year long observances of the first meeting of the Fathers of Confederation in Charlottetown in 1864.

That banner will be passed next year to Alberta and Saskatchewan as you go about your Diamond Jubilee celebrations, and the eyes of all of Canada will turn westward to watch your prelude to the 1967 observances.

Now, I shouldn't for a moment suggest that you take a lead from Prince Edward Island in your Jubilee and Centennial observances and festivities. You in the west have your own way of doing things; your own way of providing fun and gaiety for yourselves and your visitors. However, I should like briefly to tell you something of what is going on in the Island this year.

First of all, you must remember the size and the population of Prince Edward Island. Why, you could drop the whole Island, towns, villages, ponds and lakes, farmland and harbors - all of it - into one of your national parks and have plenty of room leftover. This Island is but one hundred and forty miles long and from four to forty miles wide and there are but 100,000 men, women and children living there - a population about one-third the number of persons in this city of Edmonton alone.

There are but twenty-five incorporated towns and villages on the Island and every one of them has joined the Centennial act, with plans for flower gardens, town clocks, libraries, rinks, sport fields and community centres. Every community has its Centennial project and the whole Island, from Tignish in the West to Souris in the East will this year be lit up to greet visitors, as the Islanders, a happy and a hospitable people, go about their 1964 festivities.

In Charlottetown itself they will have this summer and fall what has been called 'the best cross-section of Canadian art, culture and just plain entertainment ever assembled.'

The beautiful new theatre in the Fathers of Confederation Memorial buildings (a \$5,600,000 complex paid for by the Federal Government and the ten provincial governments, making every one of us a shareholder in the Memorial Centre of approximately thirty cents each) will feature everything from opera and ballet to Don Messer and His Islanders.

And then, all over the Island this summer, there will be lobster fetes, clam bakes, highland Games, harness racing, skeet shoots,

track and field, golf and tennis tournaments. They even can plan an international yacht race in Charlottetown Harbor with crews from mainland Canada, Great Britain, the United States and Israel taking part. There is not a single day without something to attract and entertain this year's visitors. Even Dr. Billy Graham and his evangelists will be in the Island this summer for a week-long Crusade!

Nor have the Islanders waited upon governments for assistance and leadership - although they have had their share of both from all levels of government - but they have gone ahead voluntarily and whole-heartedly to make this a year both they and their visitors will long remember. There has been enthusiastic involvement and participation the length and breadth of our smallest province, with every community happily climbing about the Centennial bandwagon.

CENTENNIAL IDEAL:

And that must be the ideal of our Centennial Year 1967; a three-hundred-and-sixty-five days-long Birthday. Throughout that year will be many attractions to make us proud and anxious to see more of Canada. I hope that every Canadian will have his or her plan for participation. Never was it intended that this should be a celebration of governments, with pageantry confined to Ottawa and the ten provincial capitals. Rather the hope all along has been that this will be a Centennial celebration reaching to the most remote hamlets in this huge country; a party for all, which will see not only worthwhile gifts to ourselves and to others, of permanent memorials of a lasting nature, but also a party which will allow for happiness and laughter, music and song, - a gay hootenany from the shores of Newfoundland to the Queen Charlotte Islands and the Northern seas.

And how goes the Centennial, coast to coast? All three of them?

At the recent National Conference on the Centennial of Confederation in Charlottetown, we did a roll-call of provinces, with results that delighted us all and sent us back to our homes and offices filled with the certainty that Canada in 1967 will stage a show which will be the wonder of the western world.

Newfoundland's Minister of Public Works, Hon. J.R. Chalker, assured us that Canada's newest province was joining enthusiastically in Centennial planning. And so with the other Atlantic provinces of Nova Scotia, Prince Edward Island and New Brunswick, we heard of museums and libraries, parks and playgrounds, rinks and community centres, which will be built as permanent memorials to our one hundred years of Confederation.

And then came Quebec and the Honorable Bona Arsenault, Provincial Secretary and Minister responsible for Quebec's Centennial planning, who literally threw down the gauntlet in saying that Quebec would take second place to no other province in its Centennial observances. There will be across Quebec province, he said, a whole string of cultural centres as Centennial memorials. In many of the fifty centres planned, libraries, museums, art galleries, there will be large auditoria for community use.

* * * *

So the roll-call continued with Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, wondering out loud if Mr. Arsenault and Quebec would be able to match their Centennial works and enthusiasm. The reports were capped by Mr. Ted Horton, Mayor of Yellowknife in the Northwest Territories, who assured (To Page 6)

Canada's John Fisher, Commissioner of the National Centennial Administration at Ottawa, delivered the accompanying address to the Edmonton Area Civic Centennial Committee several months ago. But what he said and the inimitable style of his enthusiasm for anything Canadian makes good reading at any time.

We publish excerpts from Mr. Fisher's address here and now for the purpose of informing municipal people in Alberta how the spirit of 1867 is progressing throughout this Canada and to remind them of the responsibility we all share in making our national birthday, now less than three years away, a success. o ED



HOLD HARMLESS AGREEMENTS

BY A.M. BROWNLEE, Q.C.

Second of Two Parts

DOWER CONSENT:

Again, may I emphasize the necessity of getting the signatures of all owners, and that you watch for partnerships and corporations. May I also repeat what I have said on previous occasions, - that is, that unless the land is jointly owned by husband and wife, and if it is the home quarter, the Dower Consent of the spouse of the registered owner is necessary in order to have a binding contract. I am sure that a good many of you will not bother taking Dower Consents simply because of the problem of having the dower properly administered by a Commissioner for Oaths. If this is your decision in any particular case, then for whatever value it is you should at least get the spouse's signature on the agreement. I am sure you understand that under The Dower Act of Alberta a sale or any other disposition of the home quarter without the Dower Consent of the spouse of the registered owner is invalid; and I can see no reason why this would not be applicable to a small fraction of the home quarter. I recently heard the comment that it might be possible to obtain an amendment to the Dower Act which would exclude from its provisions lands sold to a municipality by the registered owner for the purpose of a public work, up to say a maximum of five acres. This would, of course, be a very useful amendment insofar as you people are concerned, but on the other hand it might be extremely difficult to convince the Legislature that dower rights, which are very jealously regarded, should be reduced in this way.

INTERESTING COURT DECISIONS:

For the balance of the time available to me, I would like to review for you some rather interesting Court decisions in our jurisdiction and elsewhere. I will also mention one or two matters where litigation may take place.

The first case is a decision of the Supreme Court of Manitoba in an action brought against the corporation of Portage la Prairie by a firm known as B.C. Growers Ltd. The company was the owner of certain lands on which they operated a farm and a seed cleaning mill. There were the usual buildings on the land, that is, barns, storage sheds, etc. There were also some homes on the land.

In 1957 the City of Portage la Prairie purchased land adjoining that of the company, and in the next year they put in a sewage lagoon. Unfortunately the lagoon was not tight and there was seepage from it, into the plaintiff's lands. The seepage was so bad that the plaintiff's lands were waterlogged to the point that their activities could not be carried on, and there was also a serious odor problem. The company sued for an injunction which, if granted, would prevent Portage la Prairie from making any further use of the sewage lagoon until the seepage problem was rectified.

In Court the City raised an interesting argument which is frequently encountered in law suits involving municipalities. The City said in effect that it was under an obligation to provide for sewage disposal and that it carried out this obligation to the best of its ability by hiring competent engineers to plan and supervise the construction of the lagoon. They conceded that some other system such as a sewage treatment plant could have been used, but contended that this would have been too expensive. In other words, the municipal corporation really asked the question how it could possibly be held responsible in view of the fact that its council had done everything reasonably possible to see that the job was properly done, and certainly had done so without negligence. The Court answered by saying, firstly, that the function of constructing a sewage disposal system was a permissive function only and not a mandatory one, secondly, that the matter of sewage disposal could have been handled in another way than by the lagoon system, and thirdly, that unless a Statute makes it clear that a municipality is to be protected from liability in cases of this kind then the common law rights of individuals are not to be abrogated by Statute. Interpreting the Court's remarks one could therefore say that the only way the City would have been free of liability in this case would have been if they were required by Statute to construct the sewage lagoon system, rather than permitted to do so, and secondly if there was only one type of system which would have been feasible from an engineering standpoint, so that the City was in the position that it had no discretion or choice in the matter. Under such circumstances I think it would be possible for the Court to inter-

o In the first part, Mr. Brownlee, Solicitor for the Association of Municipal Districts and Counties, dealt with the purposes and forms of "hold harmless agreements". The whole address was delivered to municipal people at the Banff School of Fine Arts in June.

pret the legislation so as to relieve the municipality from liability.

MUNICIPALITY NOT LIABLE:

The decision of the Court therefore was that the plaintiffs were entitled to an injunction against the City, and such an Order was granted. A point of some considerable interest in this case is the reference to Section 944 of the Manitoba legislation, which says that where a municipal corporation constructs any public work under the supervision of a civil engineer or a Manitoba land surveyor, or some other person competent to perform the work, so long as the work is carried out in accordance with the plans and specifications and in good faith the municipality is not liable for damage arising from any negligence on the part of the engineer, surveyor or other person entrusted with the supervision of the work. I would therefore gather the seepage from the lagoon was not a result of engineering negligence. What particularly interested me about this Section was the protection that it gives to municipalities in that Province, and I would certainly like to see it brought in to our legislation.

The next judgment I want to refer to deals with an attempt by the City of New Westminster to pass a nuisance by-law for the abatement of noise. As is the case with most municipal legislation the B.C. Act permits the abatement and prohibition of nuisances.

In their by-law the City of New Westminster said that in public places no person should commit the following nuisances:

- (a) The sounding of a horn or other signalling device upon an automobile, motorcycle, bus or other vehicle not in motion.
- (b) The sounding of a horn or other noise-making device upon an automobile, motorcycle, bus or other vehicle, except as a warning signal.
- (c) The use of any megaphone, drum, loudspeaker or other device in a public place without the permission of the council.

The by-law was declared to be invalid for two reasons. Firstly, the Court referred to the fact that in regard to the last mentioned nuisance, that is, a megaphone, drum, etc., the council attempted to retain the discretion to give permission for the use of such devices in certain cases; and the Court said that the council cannot reserve discretion to permit in certain cases what, in other cases, is treated as a nuisance. The other basis on which the by-law was declared invalid was that in its by-law the council was attempting to define what constituted a nuisance by specifying these things, and that it was not competent for a council to define a nuisance. Instead, the Court said, a nuisance is something which is defined by the law and not by a municipal council.

JUDICIAL MANNER NECESSARY:

Another interesting Court decision is one which deals with a situation in which a municipal council was performing a quasi-judicial function, but failed to act judicially. You will recall the principle of law that if in cases where you have a hearing for the purpose of determining the rights of individuals in certain situations, you must act in a judicial manner due to the fact that you are not simply performing an administrative function. You will recall also that in these cases your whole proceedings may be invalidated if it should be found that you failed to act in a judicial manner. The point of these decisions simply is that, as in a Court of law, the individual must have a fair hearing and fair treatment.

The particular decision is in an action brought against the City of Calgary for a declaration that its council had not acted judicially in a public hearing. Under the provisions of legislation the complainant in this case had been ordered to repair an old dilapidated building. Apparently, however, he was entitled to be heard by council before the order could be made effective, and it was his complaint that the council did not act judicially in this hearing.

At the start, the complainant was told that he had five minutes to make his presentation. This seems to be a common practice with city councils, and it is a very unsatisfactory one as far as individuals are concerned because it is difficult to make a proper presentation in that time and because of the pressure a person is often under a cer-

HOLD HARMLESS AGREEMENTS (Cont'd)

(From Page 4)

tain amount of nervous strain. However, the time limit was either extended or not observed because the council actually gave the complainant the better part of an hour. The report of the case indicates that the discussion became fairly heated, which is not a good thing in any type of a public hearing, but the main point on which the Court made its decision was that after the complainant had been heard, the City Solicitor and a departmental official stated their case for requiring him to repair the building, and after these men were heard the council made its decision. The Trial Judge took the position that the individual should have had an opportunity of replying to the points made by the City Solicitor and the other official so as to be able to point out any inaccuracies in their statements. The Trial Judge therefore found that the council had not acted judicially and that accordingly its decision was invalid.

The lesson to be drawn from this decision is of course that each party should have an ample opportunity not only to state his own case, but to rebutt the case made by his opponent; and I would add the suggestion that in order to be absolutely fair, a municipal corporation would be well advised to give the individual the last word.

ALBERTA COUNTY ACTION:

Very recently a decision was handed down against an Alberta County in an action involving a very common problem; that is, should a councillor undertake to make a deal on behalf of his council with a ratepayer and then tell the council about it later. The problem, of course, is that in some cases the councillor never does report to his council, and in other cases he will have had the work done prior to reporting to his council so that his report becomes rather useless.

In this particular case it was impossible to support the defence advanced by the municipality because the transaction had taken place so many years ago that no one other than the complaining ratepayer had a clear and accurate recollection of what was done and said. There was no doubt in my mind that the Secretary-Treasurer, for one, knew what transpired, but unfortunately his knowledge was based on rationalization and experience more than on a clear recollection of the statements and acts of the persons involved.

The history of the law suit is that in the late 1940's, when the council was planning to improve a road, the ratepayers in the area came to them and volunteered to give land and move fences if the municipality would increase the extent of the planned highway improvement. The land owners all signed the usual preliminary agreement form, and everything seemed to be working out very well. The road widening commenced, and it had been carried out up to the lands of the complaining ratepayer when a decision was made to change the route of the highway. The preliminary agreement which he had signed stated that the road would go along the south and west boundaries, but at the last moment it was decided that it should go diagonally across his land, and he agreed. In effect he felt that while he was losing more acreage, it would be a better road and he would have certain benefits. Unfortunately, nothing was said to him at the time, according to his evidence, about compensation for acreage to be taken and he therefore stated to the Court that he naturally assumed that at some later date he would receive compensation for acreage taken. Before the Trial, the councillor for the division in which the land was located said that he had made a deal whereby the man would donate his land but would be paid for extra fencing, but no agreement in writing was made. At the Trial this councillor was confused in giving evidence and did not substantiate his previous statements.

After the work was done the ratepayers attended a council meeting at which a resolution was passed to pay him \$138.00 for extra fencing, and he was given a cheque for this amount. The resolution said nothing at all about compensation for acreage taken, and partly because of this fact the municipal officials felt that it was clear that he had donated his land. However, the ratepayer said that a comment was made at this meeting to the effect that compensation could not be calculated until the road plan was filed in the Land Titles Office, and accordingly he was under the impression that payment of compensation for land taken would be delayed until some later date.

PACE of PROGRESS

"Where do you live?" and "What are you?" are progressively less sensible questions. I live on earth at present and I don't know what I am. I know that I am not a category. I am not a thing - a noun. I seem to be a verb, an evolutionary process - an integral function of the universe.

o R. Buckminster Fuller, quoted in Time Magazine.

SECRETARY'S CALENDAR

FOR NOVEMBER



Municipal District Act

Within 5 days after the end of each month the secretary-treasurer shall prepare a statement of monies received and their disposition, submit to council at next meeting and enter a copy in the minutes. Sec. 61(v).

Nov. 7 - Nomination day. Nomination to be received between the hours of 3 p.m. to 4 p.m. Sec. 96 and 103.

Nov. 9 - Withdrawal of candidates within 48 hours after close of nominations. Sec. 108.

Nov. 10 - After expiry of 48 hours from close of nomination, enumerator shall prepare a list of qualified persons who are not already on the list of electors and submit to secretary-treasurer not later than Nov. 20. Sec. 113 and 114.

Nov. 28 - Secretary-treasurer shall complete and certify the list of electors on or before this day and shall forthwith post same in his office and in two separate, conspicuous places. Sec. 116 to 119.

Dec. 1 - Secretary-treasurer must be notified of error in elector's list at least four clear days prior to election day. Sec. 120.

Dec. 3 - Returning officer to be furnished with lists of electors at least 48 hours before opening of poll. Sec. 134.

Dec. 4 - At least 24 hours before opening of poll, returning officer shall deliver ballots, etc. to deputies. Sec. 131.

Dec. 5 - Election day is the fourth Saturday after nomination day. Sec. 121. Returning officer shall sum up results of vote on day and place appointed. Sec. 174. Returning officer shall deliver election materials to secretary-treasurer. Sec. 178. Secretary-treasurer shall retain for two months and then destroy certain election material. Sec. 179, 182 and 183.

Recount must be requested within 14 days after ballot papers are received by the Secretary-treasurer. Sec. 184.

Town and Village Act

15th - Secretary-treasurer shall prepare a statement of monies received and their disposition, submit to council at next meeting and enter a copy in the minutes. Sec. 67(5).

Note: Not later than Jan. 1st the Secretary-treasurer shall mail assessment notices to those persons whose assessment has been changed and also publish a notice of the adoption of the assessment roll in a newspaper having general circulation in the municipality.

o E. J. B.

The Trial Judge accepted this statement, and took the view that this was the most natural thing to happen under the circumstances.

TWELVE YEARS LATER:

I am bound to say that I still find it hard to believe that a ratepayer would wait, as apparently this one did, for some twelve years before finally consulting a Solicitor and demanding his compensation. However, the Trial Judge did not have the same difficulty that I have had, and decided that this only demonstrated what a reasonable man the complainant was. The defence of the statute of limitations was raised, but the Court decided, (and I am inclined to agree) that time could not start to run against the plaintiff until registration of the road plan, and for reasons which are of no interest to you, this particular road plan was never in fact registered.

Without labouring the point any more, I would simply say that this case clearly illustrates the danger of verbal agreements made by individual councillors, and the absolute necessity of having all right-of-way matters determined and reduced to writing in advance of the work.

Leaving the matter of Court decisions, I would like to close my remarks by making reference to your powers to acquire property for municipal purposes, and the question of the proper use of that power. For this purpose I will mention briefly a situation which was brought to my attention some time ago.

I hardly need to say that any by-law for the purpose of acquiring property must be based on a genuine intention to use the property for the specific purpose stated in the legislation and in your by-law. You may remember, for example, the situation where a municipality in Southern Alberta proposed to acquire an old Federal airport for municipal purposes, but was challenged on the ground that in the view of the challenger, the municipality was not intending to acquire the airport for municipal purposes but rather to create an in-

(To Page 6)

HOW MEDICINE HAT WAS NAMED

The site of the present city is so called in the Report of the Northwest Mounted Police for 1882 and about this year the first house was erected. Medicine Hat is a translation of the Blackfoot Indian name "saamis" meaning "head-dress of a medicine man." One explanation connects the name with a fight between the Cree and Blackfoot tribes, when the Cree medicine man lost his war bonnet in the river. Another connects it with the slaughter of a party of white settlers and the appropriation by the Indian medicine man of a fancy hat worn by one of the victims. One explanation is that the name was applied originally to a hill east of the town, from its resemblance to the hat of an Indian medicine man. This hill is styled Medicine Hat on a map of the Department of the Interior dated 1883. Another, with the rescue of a squaw from the South Saskatchewan river by an Indian brave, upon whose head a well known medicine man placed his own hat as a token of admiration of the act of the rescuer. Still another story says the name was given to the locality because an Indian chief saw in a vision an Indian rising out of the South Saskatchewan wearing the plumed hat of a medicine man.

o Place-Names of Alberta

HOLD HARMLESS AGREEMENTS
(From Page 5)

dustrial complex and bring industrial tax revenue into the municipality. This situation lead to a change in the Act by which airports could be purchased for industrial development purposes.

ACQUISITION OF PROPERTY:

The other situation which I refer to is one dealing with a curling rink which had been constructed and operated by a group of individuals who had incorporated an association for that purpose. Unfortunately they encountered financial difficulties with their bankers due to a tightening of credit facilities, and they therefore came to the municipal council with a request that the municipality should purchase the curling facilities. It was suggested that the arrangement should confer on the association a right to re-purchase the facilities once the financial problems had been resolved.

Debenture borrowings were authorized for the purpose of acquisition of the facilities, but the agreement was never finalized. Thereafter it appeared that there was some confusion between the municipality and the association as to the exact terms of the arrangement, and a legal opinion was required as to the position of the municipality. I had to express the opinion to the municipality that the proposed acquisition was not a proper use of the authority contained in the legislation for the following reasons:

1. The proposal was that the municipality, by one agreement should both acquire the property and option it back to the association. I do not believe that this is possible as the right to dispose of municipal property arises when the property no longer serves a useful purpose to the municipality. Surely, therefore, a determination to dispose of property of this kind must take place after it has been acquired and used for some time by the municipality.
2. It seemed to me that in reality this was not a clear case of land acquisition, but was rather a proposal that a municipality should lead financial assistance to an organization which would later repay the loan and repossess its property.

A situation of this kind is an unfortunate one because in my view all parties were acting upon the best of motivations in a sincere effort to benefit a community by the retention of a recreational facility. However, I feel that such a transaction would be subject to attack in the Courts. A Court will, of course, not interfere with a council which is exercising a discretion vested in it, but it can interfere in a transaction which is not within the legislative intent.

HOW GOES THE CENTENNIAL?
(From Page 3)

us of the active participation of the people of the North in Centennial programs and then invited the National Conference to meet in Yellowknife next summer where they could arrange a golf tournament under the Midnight Sun!

I should like to give you a report of Centennial projects, programs and suggested plans across the nation, but it would be too time consuming, too big to grasp in such a short time. We maintain a clipping service at the Centennial Commission in Ottawa and a few short months ago one could leaf through the reports in a few minutes. Now it has become such a time-consuming chore that one must make but a selection or spend one's entire working day reading nothing but stories on Centennial plans as they are reported in Canadian newspapers

and magazines.

I can, however, give you a brief report on some of the plans and projects we have embarked upon at the Centennial Commission.

MUSEUM ON WHEELS:

You, no doubt, have read of recent Federal Cabinet approval of the Confederation Train and Caravans, which in 1967 will bring to life as they travel and criss-cross the nation, the story of Canada from the earliest days of the explorers down to the marvels of this atomic age. This great Museum of Canada on wheels, the Confederation Train will in 1967 travel from Victoria, B.C. to the East Coast carrying in its cars originals and replicas of historic documents, paintings and sculptures and exciting recreations of events, of times and of stories which, through three hundred years have made this Canada of ours. The caravans will travel to areas not served by the railways, and it is the hope of Centennial planners that visits by the train in the larger centres and the caravans in the smaller, will become focal points for local Centennial celebrations, engendering in the communities they visit all the excitement of the old-time circus trains, when small boys arose at midnight for dawn arrival of the great train.

* * * *

YOUTH TRAVEL PROGRAM:

Another Centennial Commission project announced in January of this year is the allotting in 1964 of the sum of approximately \$100,000 to be shared among some 15 existing agencies such as the Canadian Council of Christians and Jews, the Girl Guides, the National Council of 4-H clubs and Les Visites Interprovinciales for pilot studies in youth travel programs. These agencies have for years promoted exchange visits among the youth of Canada, thus allowing our young people to get to know one another better and to learn an appreciation of the problems and the way of living in distant provinces.

It is expected that these pilot studies, which will be continued in 1965 and 1966, will teach us how best we can promote massive exchanges and visiting back and forth in the Centennial Year of 1967. It is hoped, too, that such studies will show how such visits and exchanges may become part of Canadian life in the years ahead and how they may be supported in full by private agencies.

* * * *

So then, you can see that much is being done, And you will be hearing of new and exciting projects in the months ahead. Now, it but remains for all of us, Canadians everywhere to join in; to lay plans now for our Centennial participation. For, every one of us, every family, every association, every company and institution, every community, should have a Centennial project, no matter how small, if the Centennial is to be the success we all hope it will be.

Here in the west, where you are so young, where the spirit of neighborliness, the communal virtues of the frontier, are so well remembered, we expect great things in your Centennial celebrations, an example to the rest of Canada.

So, join in, join with Centennial planners all across this magnificent country of ours, so that in our Centennial we may realize the heritage which can and should be ours.

MEDICINE HAT . . . HOW IT BEGAN
(From Page 1)

occupying two rooms in the Huckvale Block. In 1929 the Library Board purchased the former office site of the Bank of Montreal.

It can truly be said the City of Medicine Hat was built on gas. First evidence of its presence was in 1883 when the CPR accidentally struck gas while drilling for water at Carlstadt (now Alderson) about 35 miles to the northwest. Eight years later Sir William Van Horne, president of the railway, loaned a drilling rig to the town council and wet gas was struck at 650 feet, to be used for some time in burning limestone. After experiencing trouble with frozen lines it was decided to drill a deeper well for dry gas and this enterprise was successful in 1904. The town council rejected an offer from a private company to operate the well and the distribution system, and so Medicine Hat became the first city in Alberta to own and operate its own light, heat and power utilities.

Medicine Hat was proclaimed an unincorporated town on May 31, 1894 and as an incorporated town on September 19, 1898. It was granted its city charter on May 1, 1906.

* * * *

If thou of fortune be bereft
And in thy store there be but left
Two loaves; sell one and with the dole
Buy hyacinths to feed thy soul.

o James Terry White

• DATES TO REMEMBER •

CITIES

TOWNS & VILLAGES

COUNTIES & MUNICIPAL DISTRICTS

Date of Posting Notice for Annual Meeting:	Not required	At least six days prior to the fourth Monday in February. Sec. 125(2).	At least seven clear days before the Annual Meeting. Sec. 96(6a).
Annual Meeting:	Not required	Fourth Monday in February. Sec. 125(1).	First Saturday in March. Sec. 96(6).
Enumerator Appointment:	Prior to the first day of May in each year. Sec. 102(2).	Not later than July first in each year. Sec. 112(1).	Not later than one week before Nomination Day. Sec. 110(1).
Returning Officer Appointment:	City Clerk or by special provision two weeks prior to last Monday in September. Sec. 119(1)(2).	At least two weeks before the fourth Wednesday in September in each year. Sec. 127(1).	At least three weeks prior to Nomination Day. Sec. 98(1).
Date of Posting Notice for Nomination Meeting:	At least six clear days previous to fourth Wednesday in September. Section 124.	At least six clear days prior to the Fourth Wednesday in September. Section 129(2).	At least seven clear days before Nomination Day. Sec. 97(2).
Nomination Meeting:	Fourth Wednesday in September Sec. 123(1).	Fourth Wednesday in September. Section 129(1).	First Saturday in November. Sec. 96(1).
Date of Posting Election Notices:	Without reasonable delay 24 hours after Nomination Day. Sec. 133.	Without unreasonable delay 24 hours after Nomination Day. Sec. 137.	Upon the expiry of forty-eight hours from close of nominations and at least fourteen clear days before Election Day. Section 122.
Election:	Third Wednesday following Nomination Day. Sec. 129(2).	Same day of the week as Nomination Day but in the third week following. Sec. 134(2).	Fourth Saturday following Nomination Day. Section 121.
First Meeting:	Fourth Monday following Nomination Day. Sec. 27.	Fourth Monday following Nomination Day. Sec. 46(1).	January 3rd. Section 39.
Audit Completed:	On or before April 1. Sec. 73(1).	On or before February 1. Sec. 76(1).	On or before February 1. Sec. 68(1).
Circulation of Auditor's Report:	On or before June 1, in newspaper or pamphlet form, etc. Sec. 73(3).	Third Monday in February, in newspaper or pamphlet form, etc. Sec. 76(5).	On or before February 20 mail copy to every person whose name is on the assessment roll. Sec. 68(6).

o Compiled by E. J. Briscoe

GROWTH IN NEWFOUNDLAND

Eleven new municipalities were established in 1962 bringing the total number of incorporated areas in the Province at the end of the year up to 105. Approximately 50% of our population now resides under some form of local government. It is interesting to note that in 1952 just ten years earlier, there were but thirty-six municipalities comprising 31% of the total population of the Province. Other statistics show that total municipal revenue from local sources in 1952 was \$2,075,000.00 as compared with \$8,083,000.00 in 1962. Provincial Government Grants during the same period increased from \$349,000.00 to \$1,847,000.00. Similarly, municipal expenditure increased from \$2,009,000.00 to \$9,786,000.00.

The remarkable growth of local government over the past ten years is reflected not only in the number of municipalities established during that time, but also in the inauguration and expansion of such essential services as water and sewerage and electricity. For example there were but nine municipal utilities operating in 1952 as compared with twenty-nine in 1962. In addition, many of our smaller communities have less elaborate systems which, owing to the limited nature of their operations, are not classified as utilities. With the expansion of water and sewerage and electrical facilities, paved roads, etc., the general fixed assets for the same period increased from \$3,868,000.00 to \$39,969,000.00.

The total municipal debenture debt outstanding at the end of 1962 was \$20,473,000.00, compared with \$3,324,000.00 at the end of 1952. During 1962 sixteen debenture issues totalling \$2,469,000.00 were sold. All of these, with the exception of the three issues sold by the City of Corner Brook, were guaranteed by the Province. These debentures were sold primarily to finance water and sewerage and electrical projects.

While revenue from local sources is considerably less than its potential and the percentage of the current levy collected is relatively low, the position in this regard is improving and there is an increasing tendency on the part of local councils to assume a greater share of the responsibilities of self-government. Many municipalities now provide a reasonable standard of essential services and citizens themselves, partly perhaps as a result of a higher standard of living, are becoming increasingly aware of their civic responsibilities. The traditional fear of local taxation which predominated throughout most of Newfoundland's history is now disappearing, and people generally are demanding more services and are prepared to pay for them.

o Newfoundland's DMA Report
Nothing is really work unless you would rather be doing something else.

APPEALS FOR REDUCED FIRE WASTE

(From Page 1)

The 9 3/4 million dollar property loss resulted from 6,135 fires during the year. More than half were dwelling fires and dwelling property losses exceeded 12 millions of dollars. One might expect that improved construction, better building control and the availability of automatic fire extinguishing equipment might result in far less business premises fires. On the contrary, retail store fires increased, as did garages, oil risks and farm properties.

There is of course a widespread fear of fire destruction. The fear and respect of the possible damaging effects of fire has caused municipal corporations to invest in public fire protection which has been the chief means of keeping fire losses down even at a time of very rapid industrial and commercial development. Our losses are high, but without our well equipped and well trained municipal fire departments losses would have been very much worse. And yet, only half of our villages and large parts of the rural areas of Alberta are covered by organized fire protection.



Fire Prevention Week is a proper time to budget for replacement of marginally serviceable equipment and a time for counties and municipal districts in particular to get into the field of rural fire protection.

It would be indeed wrong to conclude that we should rest behind our defences of good building construction and good municipal fire protection. To do so would virtually be hiding our heads in the sand. The very essence of the Fire Prevention Week observance is an appeal to all agencies of business and government to make added efforts to initiate personal endeavor to reduce the fire waste. Without a strong appeal there can be no widespread response. In truth each fire is a shameful loss - a witness to our failure as individuals to deal with common elements that we ought to have intelligence enough to control. The Provincial Fire Commissioner's duty is to dramatize the need for personal fire prevention care and to explain the way each person can make Fire Prevention Week meaningful.

FIVE YEAR FIRE RECORD

Year	Fires	Deaths	Loss	Per Capita
1959	4,674	46	\$ 7,102,221	\$ 5.69
1960	4,658	41	7,630,695	5.83
1961	5,431	52	8,674,795	6.45
1962	5,723	49	10,756,397	7.78
1963	6,135	42	9,813,646	6.94

"WHEREAS SUCH LOSSES ARE INCREASING..."



Canada

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

A PROCLAMATION

WHEREAS authoritative statistics compiled and published by the Dominion Fire Commissioner show that during the past ten years, eight hundred and thirty-one thousand fires in Canada have taken five thousand seven hundred lives, seriously injured almost seventeen thousand other persons and destroyed property valued at one billion two hundred and seventy-one million dollars;

AND WHEREAS such losses are increasing year by year;

AND WHEREAS humanitarian and economic considerations imperatively demand that improved fire prevention measures be undertaken to prevent this economic waste and tragic loss of life in order that the nation's prosperity may be maintained;

AND WHEREAS it is desirable that the attention of the public be directed to the extent and underlying causes of the preventable loss of life and property by fire and to the best and most practicable means for its control and that a specific period of the year be set apart and properly designated for the dissemination of such information;

NOW KNOW YE THAT WE, by and with the advice of Our Privy Council for Canada, have thought fit to designate and do designate the week commencing SUNDAY, THE FOURTH OF OCTOBER, AND ENDING ON SATURDAY, THE TENTH OF OCTOBER, in the present year as

"FIRE PREVENTION WEEK".

and We do recommend to all Our Loving Subjects that at some time during that week as may be found most practicable:-

1. All dwellings, public buildings, stores, warehouses, factories, farms, mines and forests be carefully inspected by their occupants and all conditions likely to cause or promote the spread of fire be removed.
2. All theatres, hotels, hospitals, institutional and assembly buildings be inspected and provision made for all changes necessary to protect the occupants in case of fire.
3. Fire drills be held for the children in all schools, for the inmates of all institutions, and for the employees in all factories, in order that a greater degree of safety be ensured by acquainting the occupants with the best and most expeditious mode of exit in time of danger.
4. Special instruction on the subject of fire prevention be given by the teachers and by municipal officials in the schools and that such appropriate literature as may be available be distributed to the pupils.
5. Federal, Provincial and Municipal authorities endeavour, by means of public meetings, the press, television, radio broadcasts, specially prepared motion pictures or otherwise as may to them seem most fit, to impress upon the citizens the national importance of protecting life, property and natural resources from loss by fire.

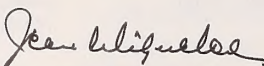
OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

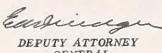
IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: The Honourable EMMETT MATTHEW HALL, a Puisne Judge of the Supreme Court of Canada and Deputy of Our Right Trusty and Well-beloved Counsellor, General Georges P. Vanier, a member of Our Most Honourable Privy Council, Companion of Our Distinguished Service Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OTTAWA, this fourth day of August in the year of Our Lord one thousand nine hundred and sixty-four and in the thirteenth year of Our Reign.

BY COMMAND,


DEPUTY REGISTRAR GENERAL OF CANADA


DEPUTY ATTORNEY GENERAL



Are You Doing Your Duty to HELP REDUCE CANADA'S Fire Losses?

● COMMITTEE of OFFICIALS

DISCUSS SAFETY

A Committee of officials from provincial and civic agencies shown below on the grounds of the Legislative Building held several meetings to discuss means of promoting greater interest in the observance of Fire Prevention Week. Fire safety in urban and rural areas is said to be improving, but still greater personal effort is required.

Back row: Sam Scott, Workmen's Compensation Board; W.D. MacKay, Deputy Fire Commissioner; Reg. Clark, Edmonton Chamber of Commerce; Robert McQuarrie, Alberta Publicity Bureau; Al Ripley; Northern Area Toastmaster's Association.

Middle row: E.G. MacIntyre, Safety Officer, Department of Public Works; James Stewart, Inspector, Fire Commissioner's Office; Ian Whitelaw, Alberta General Insurance.

Front row: Barney Stephanson, Farm Safety Director, Department of Extension; Deputy Fire Chief Louis Day, Edmonton Fire Department; Mrs. Mabel Betts, Alberta Safety Council; A.E. Bridges, Provincial Fire Commissioner.

o Alberta Government Photo

● SIXTIETH for UAM

TWO CONVENTIONS PLANNED

Spotlight on the municipal scene shifts to South Alberta during November with the two big annual conventions slated for Lethbridge and Calgary.

Preparations for the Sixtieth Convention of the Union of Alberta Municipalities are almost complete, with the executive headed by President Thor Forseth, planning a busy schedule. The meeting of urban delegates will be held November 4, 5 and 6 at Lethbridge.

The 56th Annual Convention of the Alberta Association of Municipal Districts and Counties runs November 17 to 20 at Calgary. President J.M. McKay says the convention will feature two panel discussions, the first dealing with the allocation of responsibilities between provincial and local governments, and the second discussing a paving program for rural areas. Registration at the Calgary meet is expected to exceed 600 delegates and visitors.

NEWEST IN LOCAL GOVERNMENT STUDIES

PLANNING COURSE OFFERED

The role of the city and regional planners and the function of planning in municipalities is the subject of a new course offered by the Public Administration Division of the University's Department of Extension. The course has been prepared because of a growing interest in the subject and an indicated need for better understanding of modern city administration. Written for laymen it is focused on conditions as they pertain to Alberta. Correspondence notes, supplementary reading and twenty-five hours of tutorial discussion in regional groups are features of the new course.

The Municipalities Planning course is the newest addition to the series of Studies in Local Government conducted by the Extension Department. A special invitation is extended to all who may be interested in the study of this particular area of administration, or of other areas of local government administration such as assessment, taxation, accounting, or school board affairs.

Local seminars are conducted each month during the winter term for students in Alberta. Residents are invited to inquire from the Director of Extension about location of regional classes anywhere in the Province.

The supervisor of the program is D.A. Bancroft, Associate Professor of Municipal Administration. He reports that administrators, councillors and aldermen, realtors, and others have shown a wide general interest in the new program.



CORRECTION

Take a line out of the 1964 Population Figures as they appeared on page 5 of our August issue and that's not good. But take parts of two lines and put the remaining segments together . . . and we've got something special!

Our apologies to the citizens of Edson and to those of Elk Point: to those of Edson for "disappearing" about 3,000 of them and to those of Elk Point for dropping the name of their town altogether.

Kindly clip the following line and paste it over the error. The table will then read much better:

Edson . . .3643 Elk Point. .744